IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

MACA.No. 958 of 2007()

OPMV.1515/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE

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APPELLANT/PETITIONER IN OP(MV):

M.MURALEEDHARAN, S/O.RAGHAVAN,
VADAKKOTTIL HOUSE, KOMMERI HOUSE, KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS/ RESPONDENTS IN OP(MV):

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1. M.K.SATHYAN, MEETHALE KOROTH HOUSE,
MADAPPALLY COLLEGE POST, VADAKARA, KOZHIKODE.
(OWNER OF THE BUS NO.KL-10/C-1764).

2. K.ANIL KUMAR, S/O.GOPALAN NAMBIAR,
AGED 33 YEARS, RESIDING AT THAZHE KUNIYIL HOUSE,
P.O.PANOOR, KOZHIKODE (CONDUCTOR OF THE BUS
NO.KL 10/C-1764).

3. UNITED INDIA INSURANCE COMPANY LTD.,
BRANCH OFFICE, KALLINGAL BAUILDING P.B. NO.17,
MAIN ROAD, BADAGARA (INSURER OF THE BUS NO.
KL-10/C-1764).

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR, J.
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M.A.C.A. No. 958 OF 2007

Dated this the 22nd day of June, 2007
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JUDGMENT

The petitioner in O.P.(M.V.).No.1515/2000 on the file of Motor Accidents Claims Tribunal, Kozhikode is the appellant. The petitioner claimed compensation alleging that he sustained injuries in a motor vehicle accident. The FIR produced by petitioner himself shows that no offence under Section 279 of Indian Penel Code was alleged against the driver of the bus. Ext.A2 wound certificate also shows that when he was boarded into the vehicle the door hit on his body and sustained very minor injury. The injury sustained is also trivial in nature. So the Tribunal took a view that petitioner fails to prove that he sustained injuries in a road traffic accident. It is a finding of fact based on good evidence which does not call for any interference. There is no merit in the appeal and it is only to be dismissed.

In the result, the appeal is dismissed.

K.PADMANABHAN NAIR
JUDGE.

bkn